

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

GARY GIANNINI,

No. C 14-05227 LB

Plaintiff,

**ORDER REGARDING  
DEFENDANT'S MOTION TO  
DISMISS AND CONTINUING  
DEADLINES**

v.

CARPENTERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA,

Defendant.

Plaintiff Gary Giannini, who is proceeding pro se, sued Defendant Carpenters Pension Trust Fund for Northern California in state court. Defendant removed the action to federal court and now moves to dismiss the action, arguing that Plaintiff's claims are preempted under the Employee Retirement Income Security Act ("ERISA"). See Motion to Dismiss, ECF No. 5. Defendant filed its motion on December 2, 2014, and served Plaintiff with it by mail. This means that Plaintiff's opposition to the motion was due on December 19, 2014. See N.D. Cal. Civ. L.R. 7-3(a). To date, Plaintiff has not filed any opposition.

Given Plaintiff's pro se status, the court issues this order to make clear to him that if he does not file an opposition, he risks having the court grant Defendant's motion and dismiss his action. Accordingly, the court extends the deadline for Plaintiff to file an opposition to January 8, 2015. Defendant shall file any reply by January 15, 2015. The hearing on Defendant's motion is continued from January 8, 2015 to January 29, 2015.

1 The court also attaches to this order a copy of the the district court's *Handbook for Litigants*  
2 *Without a Lawyer*. It may also be downloaded at <http://www.cand.uscourts.gov>.

3 **IT IS SO ORDERED.**

4 Dated: December 24, 2014



LAUREL BEELER  
United States Magistrate Judge